



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,934	09/13/2005	Thomas Deck	40124/05001	3644
30636 7590 05/18/2011 FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038				
EXAMINER				
DANG, HUNG Q				
ART UNIT		PAPER NUMBER		
2612				
MAIL DATE		DELIVERY MODE		
05/18/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	10/534,934	DECK ET AL.	
	Examiner	Art Unit	
	HUNG Q. DANG	2612	

All Participants:

 (1) HUNG Q. DANG.

 (2) ALBERT WONG.
Status of Application: _____

 (3) AMIR BISHARA.

 (4) OLEG KAPLUN.
Date of Interview: 14 September 2010
Time: 3PM
Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

 Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Claims discussed:

47

Prior art documents discussed:

Michalski et al. (U.S. Pub. 2004/0074295)

Part II.
SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

The Applicant's representative maintains that "In the Final Office Action, the Examiner rejected claims 47-48 under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. (See 4/1/10 Office Action, p. 5). Specifically, the Examiner states that it is unclear why the claim 47 recites an "A/D converter" since "the 'measured signal' is numerical time value corresponding to the time delay of the reflected transmitted signal." (Id. at p. 6). Applicants respectfully disagree and direct the Examiner's attention to paragraph [031] in the originally filed application, which states "the measured signal 9 may be converted from an ultrasound signal into an electrical signal in the measured signal receiver 4... [s]ubsequently, the measured signal 9 is output by a data output 10 of the measured signal receiver 4 and received by a data input 11 of the A/D converter 5 and digitized in the A/D converter 5."

So, the electrical signal, which is neither a time value nor in digital format, is digitized by the claimed A/D converter. Applicants, therefore, respectfully submit that specification does enable one of ordinary skill in the art to understand how the measured signal is used to determine the fill level. Accordingly, it is respectfully submitted that claims 47 and 48 are allowable".

The Examiner disagrees with the Applicant. The claimed limitation "the measured signal is digitized and subsequently transmitted without signal processing after the A/D conversion, via the transceiver device, to the environmental device, the environmental device being coupled to an analysis unit which converts the measured signal into a measured value" simply means that an analog signal is transmitted and reflected off the fill level surface. The reflected out-of-phase analog signal is then locally received and converted to a raw digital signal. The digital signal is then transmitted to a remote environmental device, where the digital signal is then converted back to the original out-of-phase analog signal. The only information can be derived from the above process is the phase shift value of said analog signal. It is not clearly understood how the above structures/steps can be used to determine the fill level. Therefore, the previously-indicated 112 first paragraph rejection is maintained.

Also, as mentioned in the above 112 first paragraph rejection, the enablement related to using the claimed invention since applicant has not disclosed how a phase shift in a signal is used to determine fill level. Therefore, claim 47 is being indefinite for

/Hung Q Dang/
 Examiner, Art Unit 2612

(Applicant/Applicant's Representative Signature – if appropriate)